

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

DUANE J. SANCHEZ,)	3:10-CV-184-ECR-VPC
)	
Plaintiff,)	MINUTES OF THE COURT
)	
vs.)	DATE: August 3, 2010
)	
HOMEcomings FINANCIAL NETWORK, INC. a)	
Delaware Corporation; GMAC MORTGAGE;)	
FIRST AMERICAN TITLE; MORTGAGE)	
ELECTRONIC REGISTRATION SYSTEM, INC.,)	
a subsidiary of MERSCORP, INC., a)	
Delaware corporation, [MERS]; JPMORGAN)	
CHASE BANK, NA; STEWART TITLE OF NEVADA,)	
a Nevada Corporation; EXECUTIVE TRUSTEE)	
SERVICES, LLC; HOME EQUITY MORTGAGE;)	
LANE BIGLERI, individually; and DOES)	
1-25 CORPORATIONS, DOES and ROES 1-25)	
Individuals, Partnerships, or anyone)	
claiming any interest to the property)	
described in the action,)	
)	
Defendants.)	
)	

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Deputy Clerk: COLLEEN LARSEN Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

We now reconsider the following motions which were reopened by our Order (#34) filed August 2, 2010: Plaintiffs' motion to remand (#3), Defendants' motion to dismiss" (#5), Defendants' motion "To Expunge Lis Pendens" (#6) and Defendant's motion to "Stay re 1 Petition for Removal," (#13). The motions will be denied on the bases and for the reasons enunciated below.

On May 12, 2010, the claims in this case related to the formation and/or operation of MERS were transferred (#25) to the MDL Court in the District of Arizona and assigned to the Honorable James A. Teilborg for coordinated or consolidated pretrial proceedings. The claims in this case unrelated to the formation and/or operation of the MERS system were separated and simultaneously remanded. Thus, because certain claims in

this case are under the jurisdiction of the MDL court in the District of Arizona it would be improper to remand this action to state court. Plaintiffs' motion (#3) to remand will therefore be denied without prejudice. Plaintiffs may raise the issue of remand again when the entirety of this action is under our jurisdiction.

Moreover, it appears that Judge Teilborg has not yet issued an order clarifying which claims in this case remain within our jurisdiction, and which lie within the jurisdiction of the MDL court. Therefore, at this time, the pending motions to dismiss (#5) and expunge lis pendens (#6) will be denied without prejudice. Defendants may re-file or file new motions after Judge Teilborg issues the order clarifying which claims in this case remain within our jurisdiction, and which lie within the jurisdiction of the MDL court.

Finally, Defendant's motion to "Stay re 1 Petition for Removal" (#13) requests that we stay proceedings pending a decision from the Judicial Panel on Multidistrict Litigation on whether this case will be transferred to the MDL court. The judicial panel has transferred (#25) this case to the MDL court. Therefore, the motion (#13) is moot and will be denied on that basis.

IT IS, THEREFORE, HEREBY ORDERED Plaintiffs' motion to remand (#3) is **DENIED** without prejudice.

IT IS HEREBY FURTHER ORDERED Defendants' motion to dismiss" (#5) is **DENIED** without prejudice.

IT IS HEREBY FURTHER ORDERED that Defendants' motion "To Expunge Lis Pendens" (#6) is **DENIED** without prejudice.

IT IS HEREBY FURTHER ORDERED that Defendant's motion to "Stay re 1 Petition for Removal," (#13) is **DENIED** as moot.

LANCE S. WILSON, CLERK

By /s/
Deputy Clerk